IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-842 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Abdul Rasheed S/O Muhamamd Hassan Mashori
Through Mr.Shoukat Ali Kalwar, Advocate.

The State: **Through Mr. Shafi Muhammad Mahar, D.PG.**

Date of hearing & order: **02.11.2026**.

Suresh Kumar J:- Through instant Criminal Bail Application applicant/accused Abdul Rasheed Mashori seeks pre arrest bail in Crime No.310/2025 for the Offences punishable U/Ss 114, 324, 337=-F(i) 34 PPC registered at Police station A-Section, Ghotki..

2. The facts of the prosecution, in a nutshell, are that the complainant, Muhammad Ayoub, lodged the FIR, alleging therein that on 13.08.2026, he, along with his sons Arbelo and Sulleman, was proceeding towards Ghotki city. At about 7:00 PM, while they were on their way, where accused came duly armed and intercepted them. Thereupon, the applicant/accused allegedly fired a pistol shot with the intention to commit murder, which hit PW Arbelo on his left arm/thigh, owing to a matrimonial dispute. The injured was taken to the hospital, where after the complainant appeared at the police station and lodged the FIR.

3. The applicant/accused initially approached for grant of pre-arrest bail which was dismissed vide order dated 28.08.2026, by learned 2nd. Addl. Sessions Judge, Ghotki. Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant/accused, and learned D.P.G Sindh. learned D.P.G has raised no objection in view of the no objection of complainant and injured.

5. Having given due consideration to the arguments advanced by the learned counsel for the parties and having perused the material available on record, it appears from the FIR that the applicant/accused, Abdul Rasheed, allegedly made a pistol shot, which hit PW Arbelo on his right thigh. The said injury has been declared as Jurh Ghayr Jaifah Hashimah, falling within the ambit of Section 337-F(iii) PPC, and carries a punishment of up to three years, which does not fall within the prohibitory clause of Section 497(1) Cr.P.C. Moreover, there is a delay of four days in the registration of the FIR, which has not been plausibly explained by the complainant. Even otherwise, the injured sustained an injury on a non-vital part of the body, and there is no allegation of a repeated fire upon injured; therefore, the applicability of Section 324 PPC will be determined at the time of trial. In the similar circumstances the Honourable Supreme Court in the case of Jamaluddin and another v. the state **(2023 SCMR 1243)** has held as under:

> "----Ss.497(2)&498----Penal Code(XLV of 1860), Ss.324 148 & 149----Constitution of Pakistan, Art.185(30----Murderous assault with fire arm----Ad-interim pre-arrest bail, confirmation of ---Bail, grant of ----Further inquiry---First information Report was lodged after an inordinate delay of about three days----Only explanation put forth by the complainant was that firstly they got the police letter for treatment from Civil Hospital and after the treatment they lodged the FIR---However, this explanation did not seem to be impressive, especially when the Police was allegedly approached the complainant on the very first day----Complainant and the injured prosecution witness received injuries on the non vital parts of the body and the accused and co accused did not repeat the fire despite having ample opportunity to do so----In this view of the the matter, the question whether section 324 PPC would be applicable in the case or not would be determined by the Trial Court after recording of evidence ---Case of the accused and co accused squarely fell within the ambit of section 497(2) Cr.P.C entitling for further enquiry into their guilt---Petitioners for leave to appeal were converted into appeals, and allowed, ad interim pre arrest bail granted to the accused was confirmed, whereas the co accused was admitted to post arrest bail".

6. The above cumulative facts call for further inquiry with respect to the allegations leveled against the applicant. Furthermore, complainant and injured are injured are present and they have raised no objection for confirmation of bail on the ground that they have patchedup with the accused on the intervention of Nekmards. Applicant/accused has not mis used the

concession of bail. Previous enmity between the parties is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out.

7. For the foregoing reasons, I am of the considered view that the applicant/accused has made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicant/accused on 03.09.2026 is confirmed on same terms and conditions, with a directions to appear before the trial court till final disposal of the case.

J U D G E

Hizbullah